

PTO/SB/64 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>		Docket Number (Optional) RCA 88423
First named inventor: Harold Blatter		
Application No.: 09/269,684	Group Art Unit: 2615	
Filed: March 30, 1999	Examiner: Robert Chevalier	
Title: Digital Recorder With Trick Play Operation		RECEIVED MAY 13 2004
Attention: Office of Petitions Assistant Commissioner for Patents Box DAC Washington, D.C. 20231		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items:		
<ul style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or Issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</li> <li>(4) Statement that the entire delay was unintentional.</li> </ul>		
1. Petition fee		
<input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.		
<input checked="" type="checkbox"/> Other than small entity - fee \$1330 (37 CFR 1.17(m)) Please charge deposit account 07-0832		
2. Reply and/or fee		
A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):		
<input type="checkbox"/> has been filed previously on _____		
<input checked="" type="checkbox"/> is enclosed herewith.		
B. The Issue fee of \$ _____		
<input type="checkbox"/> has been paid previously on _____		
<input checked="" type="checkbox"/> is enclosed herewith.		

[Page 1 of 2]

**Burden Hour Statement:** This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

07/22/2004 AKELLEY 00000014 070832 09269684

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PAGE 2/8 \* RCV'D AT 3/25/2004 2:38:09 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-24 \* DNI5:7463258 \* CSID:609 734 6888 \* DURATION (mm:ss):01:58

PTO/SB/64 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_ for a small entity or \$\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

March 25, 2004

Date

*Francis A. Davenport*

Signature

Francis A. Davenport, Reg. 36,318

Typed or printed name

2 Independence Way

Princeton NJ 08540

Address

Enclosures:  Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

\_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]**

I hereby certify that this correspondence is being:

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3/25/04

Date

*Francis A. Davenport*

Signature

Francis A. Davenport, Reg. 36,318

Typed or printed name of person signing certificate

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*Bz. 3*

Serial No. 09/269,684

-1-

RCA88423

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MAR 25 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Harold Blatter et al.  
Serial No. : 09/269,684  
Filed : March 30, 1999  
For : Digital Recorder With Trick Play Operation  
Examiner : Robert Chevalier  
Art Unit : 2615

*O.K.  
to enter  
Upon revival  
B.C. 5/18/04*

OFFICIAL

AMENDMENT AND RESPONSE

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Final Office Action dated March 31, 2003, the Examiner is thanked for the allowance of claims 9, 10 and 15 - 19. The following remarks are provided for the Examiner's consideration:

Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

RECEIVED

MAY 13 2004

OFFICE OF PETITIONS

Qg.4

\*\*\*\*\*  
Certificate of Mailing under 37 C.F.R. 1.8

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Signature \_\_\_\_\_

Date: \_\_\_\_\_

Listing of the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

**6. (Cancel) A record and replay apparatus comprising:**

a source of an MPEG bit stream signal coupled to an input of said apparatus for recording;

a first transducing means for recording a digital signal representative of said MPEG bit stream;

a control means coupled to said MPEG bit stream signal and generating a signal indicating an intra coded frame occurrence in said MPEG bit stream;

a second transducing means for recording and reproducing a reference signal; and,

means responsive to said indicating signal for generating an identifying signal for recording with said reference signal.

**7. (Cancel) The recording and replay apparatus of claim 6, wherein said first transducing means reproduces said recorded signal in a reproducing mode comprising a sequence of play and fast play modes responsive to a stored sequence of play and fast play mode commands controlled by said control means.**

**8. (Cancel) The recording and replay apparatus of claim 7, wherein said control means initiates said reproducing mode responsive to said identifying signal coupled from said second transducing means.**

*Fig-5*

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RCA88423

9. (Previously amended) A recording and replay apparatus comprising:

- a source of an MPEG bit stream signal coupled to said apparatus for recording;
- means coupled to said MPEG bit stream signal for generating a record signal representative of said MPEG bit stream signal;
- a pair of record transducers each aligned for recording said record signal and having complementary azimuth angles; and,
- a control means coupled to receive a signal identifying an intra coded frame occurrence in said MPEG bit stream signal and controllably coupled to said generating means, wherein responsive to said identifying signal said control means initiates recording of a record signal representative of an intra coded frame part of said MPEG bit stream by a predetermined one of said transducer pair having a specific azimuth angle.

10. (Previously amended) A recording and replay apparatus comprising:

- a source of an MPEG bit stream signal coupled to said apparatus for recording;
- means coupled to said MPEG bit stream signal for generating a record signal representative of said MPEG bit stream signal
- a record transducer pair having complementary azimuth angles for recording said record signal;
- a recording head coupled to a control track signal generator and generating a control track signal for recording;
- a control means for receiving a signal identifying an intra coded frame occurrence in said MPEG bit stream signal, said control means being controllably coupled to said record signal generating means and to said control track signal generator; and,
- responsive to said identifying signal said control means enabling said record signal generating means for coupling a record signal representative of an intra coded frame part of said MPEG bit stream for recording by a predetermined one transducer of said transducer pair having a specific azimuth angle, and responsive to said identifying signal said control means modifies said control track signal for recording.

Cg. 6

15. (Original) A recording and replay apparatus with trick play reproduction mode comprising the steps of:

- a) initiating a play mode;
- b) determining an average number of control track pulses occurring between 1 frames;
- c) selecting a trick play mode;
- d) counting control track pulses to determine an average value;
- e) testing a count for equality with said average number; and,
- f) initiating said play mode at count equality.

16. (Original) The recording and replay apparatus of claim 15, wherein said step b) additionally comprises:

controlling average determination responsive to a reproduced I frame mark.

17. (Original) The recording and replay apparatus of claim 15, wherein said step b) additionally comprises:

controlling determination of average responsive to an I frame indicator decoded from reproduced data.

18. (Original) The recording and replay apparatus of claim 15, wherein said step d) additionally comprises:

controlling counting responsive to a reproduced I frame mark.

19. (Previously added) The recording and replay apparatus of claim 10, wherein said control track signal is coupled to a single transducer and recorded with a longitudinal track placement.

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RCA88423

REMARKS

Claims 6 - 8 stand rejected under 35 U.S.C. §102 (b) as being unpatentable over Masako et al. Claims 9,10 and 15 - 19 are allowed.

Claims 6, 7, and 8 are cancelled.

Claims 9,10 and 15 - 19 are allowed and applicant respectfully requests issuance of a notice of allowance.

Respectfully submitted,

Harold Blatter et al.

25 March 2004

By:- Francis A. Davenport

Francis A. Davenport  
Registration No. 36,316  
609-734-6805

Thomson Licensing, Inc.  
Patent Operations,  
Two Independence Way, Suite #200  
Princeton, NJ 08543-5312

Fig. 8

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT (\$)** 1330

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money  Other  None  
Order

 Deposit Account:

Deposit Account Number

07-0832

Deposit Account Name

THOMSON LICENSING INC.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	770	2001	365	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claim 8	Fee from below	Fee Paid
			0		0
			0		0

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	66	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	66	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0)

\*or number previously paid, # greater. For Reissues, see above

Complete if Known

Application Number	09/269,684	RECEIVED
Filing Date	March 30, 1999	CENTRAL FAX CENTER
First Named Inventor	Harold Blatter et al.	
Examiner Name	Robert Chevalier	
Art Unit	2615	MAR 25 2004
Attorney Docket No.	RCA88423	

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1251	950	2253	475	Surcharge - late filing fee or oath	
1252	1,480	2254	740	Surcharge - late provisional filing fee or cover sheet	
1253	130	1053	130	Non-English specification	
1254	2,520	1812	2,520	For filing a request for reexamination	
1255	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1256	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1257	110	2251	55	Extension for reply within first month	
1258	420	2252	210	Extension for reply within second month	
1259	650	2253	320	Extension for reply within third month	
1260	1,480	2254	740	Extension for reply within fourth month	
1261	2,010	2255	1,005	Extension for reply within fifth month	
1262	330	2401	165	Notice of Appeal	
1263	330	2402	185	Filing a brief in support of an appeal	
1264	290	2403	145	Request for oral hearing	
1265	1,610	1451	1,510	Petition to institute a public use proceeding	
1266	110	2452	55	Petition to revive - unavoidable	
1267	1,330	2453	685	Petition to revive - unintentional	1330
1268	1,330	2501	665	Utility issue fee (or reissue)	
1269	480	2502	240	Design issue fee	
1270	640	2503	320	Plant issue fee	
1271	130	1480	130	Petitions to the Commissioner	
1272	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1273	180	1806	180	Submission of Information Disclosure Stmt	
1274	40	8021	40	Recording each patent assignment per property (times number of properties)	
1275	770	2809	385	Filing a submission after final rejection (37 CFR § 1.128(a))	
1276	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1277	770	2801	385	Request for Continued Examination (RCE)	
1278	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (\$)

(\$ 1330)

FEE OF PETITIONS

Complete if applicable

SUBMITTED BY	Francis A. Davenport	Registration No. (Attorney/Agent)	36316	Telephone	1 609 734 6888
Name (Print/Type)				Date	March 25, 2004
Signature	<i>Francis A. Davenport</i>				

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450,